IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Crl.Rev.Pet.No. 415 of 1999

CRA.31/1996 of SESSIONS COURT, THRISSUR
CC.225/1991 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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REVN. PETITIONER/APPELLANT/ACCUSED:

SHAJU, S/O SREEDHARAN, PILIKAL HOUSE,
VELLANI DESOM, KARALAM VILLAGE.

BY ADV. SRI.P.VIJAYA BHANU
SRI.T.A.UNNIKRISHNAN
SRI.S.R.MANOJ

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.SANTHOSH KUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/01/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.R.P.No. 415 of 1999

ORDER

The petitioner is the accused in C.C.No.225/91 on the file of the Judicial First Class Magistrate's Court, Kodungallur. He was convicted by the Magistrate for offences under Sections 279, 337 and 304(A) IPC and was sentenced to undergo simple imprisonment for one month under Section 279 IPC and simple imprisonment for one year under Section 304(A) IPC with benefit of concurrency. No separate sentence was awarded under Section 337 IPC. The licence of the petitioner was also directed to be suspended for a period of six months. The Sessions Judge, vide judgment in Crl. A.No.31/96 confirmed the conviction of the petitioner, but, modified the sentence to one of fine of Rupees one thousand and in default to undergo simple imprisonment for six weeks for

offence under Section 279 IPC and to undergo rigorous imprisonment for a period of three months and to pay a fine of Rupees five thousand and in default to undergo simple imprisonment for a further term of three months for offence under Section 304(A) IPC. This revision is filed challenging the said conviction and sentence.

2. When the matter came up for final hearing, counsel for the petitioner submitted that in view of the evidence of PWs 1 to 3, who are occurrence witnesses, who have supported the prosecution case, he is not making any futile attempt to impugn the conviction of the petitioner for offences under Sections 279, 337 and 304(A) IPC, but that his request is only to convert the sentences to one of compensation, so as to avoid imprisonment for the petitioner.

3. In the result, I confirm the conviction of the petitioner for offences under Section 279, 337 and 304(A) IPC. All the same, I modify the

sentence awarded to the petitioner under Section 279 IPC to one of compensation of an amount of Rupees five thousand and that awarded under Section 304(A) IPC to imprisonment for one day till rising of court and to pay an amount of Rupees fifty five thousand as compensation and in default of payment of compensation as aforesaid, the petitioner shall undergo simple imprisonment for a period of one month and three months respectively. The compensation amount shall be deposited before the trial court and shall be disbursed to PW3 on behalf of all the legal representatives of her deceased parents, who lost their lives in the accident.

This Crl.R.P. is disposed of as above.

2nd January, 2007 (K.P.Balachandran, Judge)

tkv

K.P.Balachandran, J.

Crl.R.P.No.415 of 1999

ORDER

2nd January, 2007